# STATE OF WASHINGTON GENERAL FILING REQUIREMENTS

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## A. EACH INSURER MUST FILE ITS FORMS, RATES, AND RULES

- 1. <u>RCW 48.18.100(1)</u>, .103: All Forms must be filed, except manuscript forms used on a one-time basis. A manuscript form is a unique policy, rider, or endorsement designed to provide insurance on one risk only.
- 2. RCW 48.19.040(2), .043: All rates, rules, and rating plans must be filed, including:
  - a. Classification manuals
  - b. Rule manuals
  - c. Rating plans
  - d. Rating schedules
  - e. Minimum rates
  - f. Class rates
  - g. Suggested rates
  - h. Individual rates
- 3. An insurer may authorize an individual or entity to file rates, rules, or forms on its behalf.
  - a. An insurer may authorize a licensed rating organization to file rates, rules, or forms on its behalf.
  - b. An insurer may file an authorization with the OIC permitting other individuals or entities to file rates, rules, or forms on its behalf. The letter must be from an officer of the company authorizing an individual or entity to make filings on behalf of the company.
    - 1. The authorization may specify an entity or individual within an entity to make filings.
    - 2. The authorization may specify the line of insurance or a program within a line of insurance for which that person or entity may file.
    - 3. Each authorization must be entered into the tracking system, and will be acknowledged (AK) by the analyst. It will stay in effect until withdrawn by the insurer.

#### B. TRANSMITTALS

- 1. To initiate processing, the filer must complete the NAIC transmittal form (not required for SERFF filings).
  - a. This requirement is explained in the **Filing Procedures**.
  - b. If the Insurance Technician cannot complete required entry by review of the transmittal forms or submission letter, the filing is not complete and must be returned without action identifying the areas of deficiency.
  - c. If the Insurance Technician can complete required entry with errors or missing information present on the transmittal forms, a Filing IMPORTANT NOTICE Checklist must be completed, logged, and attached to the filing.
- 2. The filer must provide all the information listed in the <u>Filing Procedures</u>, as required by <u>WAC 284-58-250</u>, including:
  - a. The date of submission
  - b. Company Name
  - c. National Association of Insurance Commissioners (NAIC) number or Company Identification Code (CIC).
  - d. Line of Insurance and policy type. The filing must be consistent with the insuring power definitions in:
    - a. RCW 48.11.040, Property
    - b. RCW 48.11.050, Marine and Transportation
    - c. RCW 48.11.060, Vehicle
    - d. RCW 48.11.070, General Casualty
    - e. RCW 48.11.080, Surety
    - f. RCW 48.11.100, Title
  - e. Type of filing
    - 1. Rate.
    - 2. Rule.

- 3. Form The Form Number and, if appropriate, the form number being replaced must be shown. Form editions must be distinguished so we can determine which edition of a form is in use at any time.
- 3. Filers must propose an effective date.
  - a. Prior approval Effective date must not be less than 30 days from the date of OIC receipt.
  - b. Use and File Effective date must not be more than 30 days before the date of OIC receipt.
- 4. Complete rate/rule manuals on diskette are requested in the Rate Filing Procedures for personal auto (PPA only), homeowners, and title before final approval is given on any new manual or *change* to a manual. The company must furnish one diskette per company per filing with the exception of group filings and title insurers. Group filings should have only one diskette for the group. A certification form should accompany the diskette, certifying that the pages are identical to the approved manual.

## C. FILING ASSIGNMENT, DATA ENTRY, AND PROCESSING

- 1. The Insurance Technician will enter the filing into the tracking system, and place it in a centralized location for sorting by the Senior Actuary or Forms Manager.
- 2. The analyst enters his/her initials, subline and subline type codes on the tracking system and reviews the filing. If the filing is not acceptable, the analyst shall disapprove the filing in writing within the statutory review period.
  - a. When the filing is disapproved, the filing goes into ACTIVE SUSPENSE (AS), which is a pending status.
    - 1. A filer may call with questions about a disapproved filing. The analyst should try to answer them immediately, if possible.
    - 2. The filing will be reviewed again when the filer responds to the letter of disapproval.
  - b. If a filer does not respond to a letter of disapproval for a period of 60 days from the date of issue, the disapproval is final and the filing will be closed (CL). Copies of all correspondence related to disapproved filings should be retained.

- 3. RCW 48.18.100(3), RCW 48.18.103(3), RCW 48.19.043(3) and RCW 48.19.060 give the commissioner limited review time.
  - a. If a filing is not disapproved in the time allowed, the filing is deemed approved.
  - b. If a filing is deemed approved, the analyst should use DE as the action code.
    - 1. If forms are contrary to RCW 48.01.030 or 48.18.110, they should be withdrawn.
    - 2. If rates or rules do not comply with <u>Chapters 48 RCW</u> or <u>284 WAC</u>, they must be withdrawn in accord with <u>RCW</u> 48.19.120.
- 4. If a filing is ACKNOWLEDGED (**AK**), ACCEPTED (**AC**), APPROVED (**AP**), DEEMED (**DE**), FILED (**FI**), WITHDRAWN (**WI**), or CLOSED (**CL**) it is processed. The analyst completes data entry.
  - a. Required data entry:
    - 1. Subline codes
    - 2. Type subline codes
    - 3. If rates, % of change
    - 4. If forms, form number amending policy form submitted
    - 5. Requested effective date
    - 6. Actual effective date
    - 7. Final action taken
  - b. Optional data entry of analyst screen comments section.
- 5. Final action taken by Analyst.
  - Analyst should indicate action (Disposition) and initial all OIC copy
     PC TD-1 forms, and stamp WIEB copy (if necessary), and
     Company Return Copy with final action.
  - b. Analyst should stamp documents "REPLACED", "WITHDRAWN", "DISAPPROVED", or "WIEB COPY", as appropriate.

- c. Forms, rule, and rate pages that are not part of the approved filing should be recycled.
  - 1. Replaced documents should be retained if they were approved, either affirmatively or "deemed". If policies could have or were issued using approved rates, rules or forms, we must retain complete records.
  - 2. Analysts should retain only those documents needed to reconstruct the filing as reviewed and approved.
- d. Analysts should assign the effective date proposed by the filer, if valid.
- e. The analyst must sign off on the filing with initials and a final action code. Valid action codes are:
  - 1. AC Accepted
  - 2. **AK** Acknowledged
  - 3. **AP** Approved
  - 4. **CL** Closed
  - 5. **DE** Deemed
  - 6. **FI** Filed
  - 7. **WI** Withdrawn
- f. An extra copy of filings approved for licensed rating organization must be given to the Insurance Technician for manual updates. Do not include filing memorandums and other material the Insurance Technician does not need in order to property update the manual.
- 6. The Insurance Technician mails the return copy to the company, the WIEB copy to the Washington Insurance Examining Bureau, and sends the OIC copy to Public Records for filming.

### RATE AND RULE FILINGS

# A. CHAPTER 48.19 RCW DOES NOT APPLY TO THESE LINES OF INSURANCE

- 1. RCW 48.19.010(1)(c), Reinsurance, except joint reinsurance as provided by RCW 48.19.360.
- 2. RCW 48.19.010(d), Aircraft.
  - a. Loss or damage to aircraft, hulls, accessories and equipment.
  - b. Liability, other than workers compensation and employers' liability, that arises out of the ownership, maintenance or use of aircraft.
- 3. RCW 48.19.010(e), Ocean Marine.
  - a. Vessels or craft and their cargo, except boats 26 feet and under in length that are used for pleasure.
  - b. Marine builders' risks, marine protection and indemnity, except boats under 27 feet.
  - c. Risks commonly insured under marine. Inland marine, as defined by WAC 284-24-080, must be filed.
- 4. RCW 48.19.010(f), Title

#### B. RATE REVIEW CRITERIA

- 1. Rates should be made using recognized actuarial methods.
- 2. <u>RCW 48.19.020</u> requires premium rates for insurance not to be excessive, inadequate, or unfairly discriminatory.
- 3. RCW 48.18.480 and 48.19.020 prohibits unfair discrimination between insureds or subjects of insurance having like insuring, risk, and exposure factors, and expense elements.
- 4. <u>RCW 48.19.040(2)</u> requires the filer to explain the type and extent of coverage and provide enough information for the analyst to determine whether the filing complies with <u>RCW 48.19.020</u>. If data does not support the proposed rate, the analyst should disapprove the filing in accordance with the provisions of <u>RCW 48.19.100</u> or <u>.040</u>, and cite all significant deficiencies.

#### RATE AND RULE FILINGS

- 5. RCW 48.19.040(2)(a) requires a filer to use its experience or judgment to make rates, rules or rating plans. Judgment is relevant where loss data does not exist to support a rate, rule, or rating plan.
- 6. RCW 48.19.030(3)(a) and 48.19.040(3) requires filers to use experience to make rates.
  - a. RCW 48.19.030(3)(a) indicates a filer may use past and prospective loss experience from this state. If such data is not available or credible, the filer may use data from other states that are similar to Washington.
  - b. <u>RCW 48.19.040(3)</u> indicates that if an insurer has insufficient data to support its rates, it may use loss experience for similar exposures of other insurers or rating organizations.
  - c. The data should reflect the prospective cost of paying claims. Past experience should be adjusted accordingly.
- 7. RCW 48.19.030(3)(c), .030(3)(e) and .040(2)(b) require filers to use their expenses to develop rates.
  - a. RCW 48.19.030(3)(e) and 48.19.040(2)(b) require filers to submit an exhibit which identifies each major element of operating expense for the type(s) of insurance affected by the filing.
  - b. RCW 48.19.030(3)(c) requires filers to use a reasonable load for underwriting profit (loss) and/or contingencies that corresponds to their target Return on Equity (ROE).
- 8. RCW 48.19.030(3)(f) and 48.19.040(2)(c) requires filers to use their investment income to develop rates.
  - a. RCW 48.19.030(3)(f) and RCW 48.19.040(2)(c) require filers to use past and prospective investment income, and explain how investment income has been considered.
  - b. Filers' methods must comply with <u>WAC 284-24-065</u>.
  - c. Analysts should check the tracking system each time they review a base rate change to see if the filer has an approved ROE REF DOC on file. ROE REF DOC is the search criteria used to locate the approved document on the tracking system.

#### RATE AND RULE FILINGS

- 9. RCW 48.19.030(3)(g) and 48.19.040(2)(d) indicate filers may submit any other information they deem relevant, and may consider relevant factors within and outside the state. Filers must explain why such factors are relevant.
- 10. RCW 48.19.030(3)(b) indicates filers may consider conflagration and catastrophe hazards, if present.
- 11. RCW 48.19.030(3)(d) indicates filers may consider dividends, savings, and unabsorbed premium deposits, if applicable.
- 12. <u>RCW 48.19.030(4)</u> indicates rates may be related to the insurers plan of operations and/or risk classification.
- 13. Exhibits required by statute:
  - a. <u>RCW 48.19.500</u>, Seat Belts. An exhibit must accompany each base rate revision for Annual Statement Lines 19.1 and 19.2.
  - b. <u>RCW 48.19.501</u>, Safety Devices. An exhibit must accompany each base rate revision for Annual Statement Lines 19.1, 19.2, and 21.1.

## C. LOSS COST REGULATIONS

- 1. WAC 284-24-062 modifies the requirements of RCW 48.19 to permit rating organizations to file loss costs. An insurer may use rates based on loss costs developed by a rating organization if it files a loss cost multiplier.
  - a. A multiplier is applied to the loss costs to produce a gross rate.
  - b. A multiplier must reflect the insurer's expenses, including a profit load that corresponds to its target ROE.
- 2. An insurer can modify loss costs to reflect the prospective experience.
  - a. Loss costs represent an aggregate body of data; if an insurer can show its experience is expected to be different, it should modify the loss costs to reflect such differences.
  - b. A filer may support a modification:
    - 1. Through use of historical data, it can show that its experience should be different.

#### RATE AND RULE FILINGS

- 2. By explaining that it will be insuring new class(es) of risk to change the historical pattern.
- 3. Through use of assumptions and/or data that show the future experience may differ from the historical pattern.
- 3. <u>WAC 284-24-062(2)</u> includes definitions that apply to <u>WAC 284-24-062(1)</u>.
- 4. <u>WAC 284-24-062(1)(d)</u> requires insurers to adopt the most recently approved loss costs. Insurers may not adopt loss cost filings that have been superseded.

#### D. SCHEDULE RATING PLANS

- 1. <u>WAC 284-24-100(1)</u> indicates rates for commercial lines may be modified for these monoline or packaged commercial lines:
  - a. Vehicle
  - b. General Casualty
  - c. Inland Marine
  - d. Fidelity
  - e. Surety
  - f. Crime
  - g. Property
- 2. <u>WAC 284-24-100(2)</u> requires the maximum allowable credit or debit, excluding any approved expense adjustment plan, is 25%.
- 3. <u>WAC 284-24-100(3)</u> requires expense modification plans which do not prescribe specific credits or debits for particular situations be considered similar to schedule rating, and must be included in the 25% limit.
- 4. WAC 284-24-100(4) requires expense credits or debits not be included in the 25% maximum if an expense modification plan prescribes specific credits for particular situations such as various premium size ranges or commission levels.

#### RATE AND RULE FILINGS

- 5. <u>WAC 284-24-100(5)</u> requires each plan to provide for an objective analysis of the risk and be based on factual information that supports the rating. Acceptable criteria include:
  - a. Management capacity for loss control and risk improvement
  - b. Location of risk and suitability of occupancy
  - c. Quality of fire and police protection
  - d. Employee training, selection, and supervision
  - e. Type of equipment
  - f. Safety programs
  - g. Construction features and maintenance
  - h. Classification variances, including differences from average hazards
- 6. WAC 284-24-100(6) requires an insurer, upon timely request, to advise the insured or applicant of any factors which result in adverse rating so the insured or applicant can take corrective action.
- 7. WAC 284-24-100(7) requires each insurer to administer the plan equitably and apply it fairly to every eligible risk which an insurer elects to insure.

### E. REFER TO COMPANY RATING – "A" RATED RISKS

- 1. <u>WAC 284-24-070(1)</u> suspends the requirements of RCW 48.19 for certain classes of insurance.
  - a. Classes whose risks are so different from each other that no single manual rate can be used.
  - b. Classes that do not develop a credible body of experience.
  - c. New products or coverages that do not have analogous exposure that can be used for ratemaking purposes.
  - d. "A" rating is not the same as using suggested, or Guide "A", rates. Suggested, or Guide "A", rates are manual rates, and must be filed.

#### RATE AND RULE FILINGS

- 2. <u>WAC 284-24-070(2)</u> says that every rating rule for "A" rated classes must be included in a rate manual and filed with the commissioner. Such a rating rule shall consist only of a notation of the symbol "A" or a statement that risks in the class shall be submitted to the insurer for rating.
- 3. <u>WAC 284-24-070(3)</u> says "Refer-to-Company" rating must be based on:
  - a. Specific loss potential characteristics
  - b. Analogy to similar exposures
  - c. Available loss frequency and severity data
- 4. <u>WAC 284-24-070(4)</u> describes examples of risks that are appropriate for "Refer–to-Company" rates.
- 5. <u>WAC 284-24-070(5)</u> describes data insurers must maintain for each "Refer-to-Company" rated risk.

### F. SPECIAL FILINGS

- 1. RCW 48.19.070 permits Special Filings for certain classes.
  - a. Surety and guaranty bonds required by law, a court, executive order, or order, rule or regulation of a public body.
  - b. Specific rates on inland marine risk not susceptible to manual or schedule rating. Such filings should be made by a rating organization.
  - c. These filings are subject to "File and Use" procedures. The analyst should use **FI** as the final action code.
  - d. Enter line of business code as appropriate (**FS** or **IM**)
- 2. Some large risks may be individually rated. For large risks, an insurer may file an individual rate as an IR filing.
  - a. Risks that are individually rated should be large enough that manual rates and rules are not suitable. Rates may be based on judgment, as permitted by RCW 48.19.040(2)(a).
  - b. If the risk is subject to an individual rate, the filing may be deemed filed. The analyst should use **FI** as the final action code.

## RATE AND RULE FILINGS

## G. **EXCESS RATED RISKS**

- 1. RCW 48.19.090 permits the insured to make written application for a rate higher than permissible by use of the filed rates for a specific risk. The filing must include the reason for the higher rate.
- 2. The insurer must file an <u>Excess rate application</u> completed as specified in the <u>excess rate application instructions</u>.
- 3. If an insurer repeatedly files the same surcharge for risks in a particular class, it should file a rating rule.

# STATE OF WASHINGTON EXCESS RATE APPLICATION **Property & Casualty Insurance**

Office of Insurance Commissioner P.O. Box 40255 To:

Olympia, WA 98504-0255

Plea	ase approve for		the following premiums, which are					
<u> </u>		<u> </u>	(INSURANCE COM	PAN'	<u>Y)</u>			_
bas	ed on rates that I un	dersta	and to be in excess of its filed rates.					
								٦
PC	DLICY TERM							
			INCEPTION (MO/DAY/YR)		EXPIRATION	(MO/DAY/YR)	YEARS	
						STANDARD	PROPOSED	SURCHARGE
	DESCRIP	ΓΙΟΝ	OF COVERAGE, LOCATION, AND	LIM	TS	PREMIUM	PREMIUM	%
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JAL								
SL								
CA								
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PROPERTY								
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rate	S.							
	ME AND					X		
NA	NAME AND ADDRESS					SIGNATURE		
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(P	rint or Type)					TITLE (If the ins	ured is not an individua	1)
						(		./
						DATE		
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SF	IALL BE					AGENT'S SIGN	ATURE	
RE	TURNED TO							
- 11						DATE		

Form 71-3PC 10/02

#### **FORM FILINGS**

### A. RCW 48.18.100 DOES NOT APPLY TO THESE TYPES OF FORMS

- 1. RCW 48.18.100(1), Surety and fidelity
- 2. RCW 48.18.100(1), Manuscript
- 3. RCW 48.18.010, Ocean Marine and Foreign Trade Insurance

# B. GROUNDS TO DISAPPROVE OR WITHDRAW AN APPLICATION, ENDORSEMENT, POLICY OR RIDER

## Disapproval letters must state grounds for disapproval

1. RCW 48.18.110(1)(a) says the commissioner shall disapprove or withdraw a form if it violates any applicable order or regulation of the commissioner, or provision of the insurance code.

#### a. Statutes:

- RCW 48.01.030: The commissioner may disapprove or withdraw a form if it violates public policy. The first priority for review of forms is to ensure they comply with RCW 48.18.110. If a form is contrary to public policy, the legal representative of the claimant can advocate that position.
- 2. RCW 48.05.190(1) and 48.18.140(2)(a): The form must identify the legal name of the company. See Bulletin 78-7.
- 3. <u>RCW 48.18.120(1)</u> and <u>WAC 284-20-010</u>: If the form covers fire, it must:
  - a. Provide coverages at least as broad as the Standard Fire Insurance Policy.
  - b. Have an inception and expiration time of 12:01 A.M.
- 4. RCW 48.18.125: The Loss Payable and/or Mortgage clauses must be consistent with WAC 284-21.
- 5. The policy contents must comply with <u>RCW 48.18.140</u>.
- 6. RCW 48.18.190: The policy must contain the entire contract.

#### **FORM FILINGS**

- 7. The policy conditions, stipulations or agreements must meet the requirements of RCW 48.18.200.
- 8. RCW 48.18.210: an authorized officer, employee or representative must execute the policy in the name of the insurer.
- RCW 48.18.260(2): If the policy provides motor vehicle or aircraft physical damage coverage for the benefit of a vendee, mortgagor, or pledgor, it must provide legal liability coverage. If not, it must be conspicuously marked to show the lack of liability coverage.
- 10. RCW 48.22.030: If automobile legal liability is covered, the contract must provide underinsured motorist coverage, unless rejected by an insured.
- 11. RCW 48.22.060: If physical damage insurance is sold to cover a private passenger auto (including a motorcycle) or motor home, the insurer must offer debt and financing coverage upon the insureds request.
- 12. RCW 48.22.085: If automobile liability is covered, the contract must provide personal injury protection coverage, unless rejected by an insured.
- 13. If the policy <u>does not</u> insure the use of a private passenger auto, the cancellation and renewal conditions must comply with <u>RCW 48.18.290</u> and <u>RCW 48.18.2901</u>.
- 14. If the policy <u>insures</u> the use of a private passenger auto (including a motorcycle), the requirements of <u>RCW</u> 48.18.291, .292, .293, .295, .296, and .297 must be met.
- 15. If the policy is cancelled by the insured, the requirements of RCW 48.18.300 must be met.
- 16. RCW 48.18.480; RCW 48.30.300 and WAC 284-30-572: The provisions in a form may not be unfairly discriminatory.

#### b. Bulletins:

- 1. 79-4, Subrogation Clauses, What Is Acceptable
- 2. 80-4, Volcano Coverage

#### **FORM FILINGS**

- 3. 82-7, Waiver of Small Premium Adjustments Property and Casualty Insurance
- 4. 86-8, Notice of Renewal and Changes in Rates or Policy Provisions
- 5. 93-1, Windstorm Damage Settlements and Related Concerns
- 6. <u>94-1</u>, Mandatory Offering of PIP Coverage to All Automobile Insureds
- 7. <u>94-2</u>, Mandatory Offering of PIP Coverage to All Automobile Insureds
- 8. <u>94-3</u>, Mandatory Offering of PIP Coverage to All Automobile Insureds
- 9. <u>96-1</u>, Betterment
- 10. <u>96-2</u>, "True and Actual Reason" for Actions
- 11. <u>96-3</u>, Avoiding Danger To Insureds
- 12. T 97-2, Banks and Insurance
- 13. <u>T 97-3</u>, SSB 5750 Use-and-File System
- T 98-3, SSB 6565 Underwriting of Applicants and Insurance Payments to Insureds Who Have Been or May Be Victims of Domestic Abuse
- 15. <u>T 98-5</u>, Cancellation of Policies by Insureds
- c. Regulations:
  - 1. <u>WAC 284-30-500(1)(a)</u>, Liability Limits
  - 2. <u>WAC 284-30-500(1)(b)</u>, Family Exclusions
  - 3. WAC 284-30-500(1)(c), Liability Coverage Motorcycles
  - 4. <u>WAC 284-30-500(2)(b)</u>, Vehicle Insurance, First Party Benefits

#### **FORM FILINGS**

- 5. <u>WAC 284-30-570</u>, Reason for Cancellation/Nonrenewal
- 6. WAC 284-30-590, Unfair Practices with Respect to Policy Cancellations, Renewals and Changes
- 7. WAC 284-30-620, Death Benefits
- 2. RCW 48.18.110(1)(b) says the commissioner shall disapprove or withdraw a form if it does not comply with the controlling filing made and approved. Forms must be consistent with corresponding rates and rules.
- 3. RCW 48.18.110(1)(c) says the commissioner shall disapprove or withdraw a form if it contains inconsistent, ambiguous or misleading clauses and/or exceptions and conditions which unreasonably or deceptively affect the risk assumed in the contract.
- 4. RCW 48.18.110(1)(d) says the commissioner shall disapprove or withdraw a form if it has a misleading title, heading, or other indication of its provisions.
- 5. RCW 48.18.110(1)(e) says the commissioner shall disapprove or withdraw a form if it is sold through the use of deceptive advertising.
- RCW 48.18.230, Binder Extensions Requests for binder extensions will be approved/denied by the Deputy Commissioner. Generally, only one such extension will be issued per policy.